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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91267740
Party	Plaintiff Carpathian Springs S.A. and Valvis Holding S.A.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Carpathian Springs S.A. and
Valvis Holding S.A.,

Opposers,

v.

Sun Stars & Sons Pte. Ltd.,

Applicant.

Opposition No.: 91267740

**REPLY IN SUPPORT OF 14 TTABVUE,
MOTION TO STRIKE ¶¶ 7, 8, 9 and 10 from 10 TTABVUE at 11-13**

COMES NOW, the Opposers, by and through the undersigned and pursuant to TBMP 517, files this motion requesting the Board strike from Applicant's counterclaims ¶¶ 7, 8, 9 and 10 regarding mutilation, plead by Applicant at 10 TTABVUE 11-13.

BACKGROUND

On August 30, 2021 Applicant answered the Amended Notice of Opposition and among other things, petitioned to cancel Opposer, CARPATHIAN SPRINGS S.A., U.S. Registration No. 6031945¹ based on (i) abandonment and (ii) mutilation of the mark that was registered by the USPTO (see generally, 10 TTABVUE 10-13).

On September 21, 2021, Opposers answered the Counterclaims *with exception to* ¶¶ 7, 8, 9 and 10 and requested the Board strike these allegations because they do not form a cognizable basis for cancellation.

¹ In the underlying Motion to strike, 14 TTABVUE, the undersigned identified 4619128 in error. This is the other registration subject to this proceeding. The registration referenced in 10 TTABVUE at 11-13 and subject to the motion is 6031945.

In response to the motion to strike, Applicant references caselaw which is strictly limited to instances appealed before the Board that concern USPTO examination of a mark in a pending application (see, 17 TTABVUE, p. 3, referencing *In re Pharmavite LLC*, 91 USPQ2d 1778 (TTAB 2009) and *In re Software Publishers Assoc.*, 69 USPQ2d 2009, 2014 (TTAB 2003)).

REPLY

Applicant suggests the USPTO made an examination error but fails to show and/or provide case law precedent to support mutilation as being a cognizable basis to cancel a registered mark.

WHEREFORE, Applicant requests the Board strike Applicant's Counterclaim ¶¶ 7, 8, 9 and 10 from 10 TTABVUE 11-13 with prejudice.

Dated: October 19, 2021

Respectfully submitted,
Hill Wallack LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by email to counsel for Applicant <jjovanovic@watson-ip.com, docketing@watson-ip.com, sstumpo@watson-ip.com> on this the 19th day of October 2021.

/Jason DeFrancesco /
Jason DeFrancesco